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Total # of Pages 23 (including this page)

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From : Stephen E. Reiter *SR*
 Email Address : sreiter@foley.com
 Sender's Direct Dial : 858.847.6711
 Date : February 17, 2005
 Client/Matter No : 063391-0202
 User ID No : 1877

MESSAGE:

Re: U. S. Patent Application No. 10/049,164

Following are:

- 1) Amendment Transmittal (3 pgs.)
- 2) Amendment and Reply Under 37 CFR 1.111 (19 pgs.)

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Atty. Dkt. No. 063391-0202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Patricelli

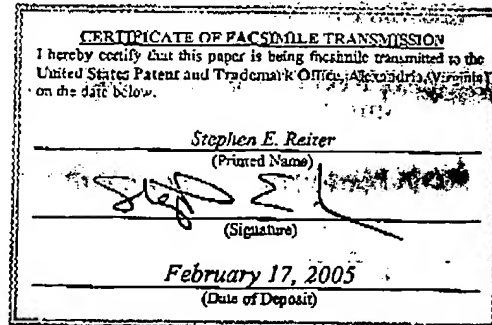
Title: ACTIVITY BASED PROBE ANALYSIS

App. No.: 10/049,164

Filing Date: 10/21/2002

Examiner: M. Ceperley

Art Unit: 1641

AMENDMENT TRANSMITTALRECEIVED
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FEB 17 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[X] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[X] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	36	-	36	=	0	x	\$50.00	=	\$0.00
Independent Claims:	5	-	5	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims: +									\$360.00 = \$0.00
CLAIMS FEE TOTAL =									\$0.00

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In re application of
Matthew Patricelli
Application No.: 10/049,164
Page 2 of 3

Atty. Dkt. No. 063391-0202

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
TOTAL FEE:		\$0.00

☐ Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$0.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

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In re application of
Matthew Patricelli
Application No.: 10/049,164
Page 3 of 3

Atty. Dkt. No. 063391-0202

Please direct all correspondence to the undersigned attorney or agent at the address
indicated below.

Respectfully submitted,

Date

7/17/05

By

SEP 2-1-05

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Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

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Atty. Dkt. No. 063391-0202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Patricelli

Title: ACTIVITY BASED PROBE
ANALYSIS

Appl. No.: 10/049,164

Filing Date: 10/21/2002

Examiner: M. Ceperley

Art Unit: 1641

Conf. No. 6075

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia, on the date below. _____ Stephen E. Reiter (Printed Name) _____ (Signature) February 17, 2005 (Date of Deposit)
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AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Non-Final Office Action dated November 17, 2004, please consider the following amendments and remarks.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this document.

Remarks begin on page 11 of this document.

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